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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,836	12/27/2001	James C. Bedingfield SR.	60027.0410US01/BS01271	9846

39262   7590   08/22/2007
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EXAMINER
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ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
08/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/026,836	BEDINGFIELD, JAMES C.
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,10-15,18-40,42,44-47 and 51-75* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,10-15,18-40,42,44-47 and 51-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ .

4)☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. *20070801* .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 8/6/2007 for Continued Examination (RCE) under 37 CFR 1.114 based

on parent Application No. 10/026836 is acceptable and a RCE has been established. An

action on the RCE follows.

Response to Amendment

2. <u>Claims 3, 10-15, 18-40, 42, 44-47, and 51-75</u> are currently pending in application

10/026,836.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

4. **<u>Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75</u> are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Schultz et al. (US 2002/0002552 A1) in view of CellPoint

("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on

GSM Positioning of Cellular Phones," Business Wire, June 29, 2000), and further in

view of Burnett (Us 2002/0087408 A1).

5. As per **independent Claim 15**, Schultz discloses a system for providing location-based

yellow pages information, the system comprising: a server including a processor, a network

port coupled to the processor, and a memory coupled to the processor, the memory storing a

plurality of instructions configured to be executed by the processor, the plurality of

instructions including location-based yellow pages database access instructions; a yellow

pages database coupled to the server, and a yellow pages database including a plurality of

advertiser entries, wherein the plurality of advertiser entries include at least a set of advertiser

entries, each advertiser entry of the set of advertiser entries includes advertiser measured

location information (abstract, Para 0016), and each advertiser entry of the set of advertiser

entries lacks advertiser location information and includes designated area information (Para

0042), wherein the processor is configured to: receive a request of yellow page information

from the user, the request including user location information and a user selected advertiser

category identifier (Para 0016-0024, Para 0040-0043, Claim 1), wherein the user measured

location information is determined using *one of* information obtained from a

telecommunication system and information pre-stored in memory; retrieve one or more

advertiser entries from the set of the plurality of advertiser entries based at least in part on,

the user selected advertiser category identifier or the user selected advertiser subcategory

identifier, forward the retrieved one or more advertise entries for presentation based at least

in part on a precise distance between the user's location determined from the user location

information and each advertiser determined from the advertiser location information of the

selected one or more advertiser entries (abstract, Para 0039-0044, Fig.2); retrieve one or

more advertiser entries from the set of the plurality of advertise entries based at least in part

on the user selected advertiser category identifier or the user selected advertiser subcategory

identifier (Para 0044 – brand or item); and forward the retrieved one or more advertiser

entries from the set for presentation according to estimated distance between the user's

location determined from the user location information and each advertiser determined from

the advertiser designated area information of the selected one or more advertiser entries (Para

0039-0044, Fig.2), wherein the estimates distance is presented according to a distance

identifier selected from the distance selected options (Para 0049, Sorting criteria selected by

user – distance, time, etc.).

6. Schultz fails to expressly disclose a second subset of sorted advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured location

information.

7. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (Para 0051), and it would

have been obvious to include or exclude the address (location) information provided to the

end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of

additional framework and axle which served to increase the cargo carrying capacity of prior

art mobile fluid carrying unit would have been obvious if this feature was not desired.); and

In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member

and thereby eliminating its function was an obvious expedient). Furthermore, it would have

been obvious to one of ordinary skill in the art to sort the returned results in a multitude of

formats to include with address information then without address information [relevance], for

the advantage of charging different fee structures to either the user or the advertiser,

depending on the amount of information provided.

8. Schultz also fails to disclose wherein the received user location information is *measured*

location information determined using information obtained from a telecommunication

system, and **wherein receiving the measured location information comprises the**

processor being configured to: receive a telephone number for use in identifying a street

address with a zip code, query a geographic information system with the street address

information, and receive from the geographic information system the latitude and

longitude of the street address.

9. However, CellPoint teaches being "automatically located on a map (through *Cell Phone*

integrated GSM positioning technology – equivalent to the disclosed positioning technology)

and then guided to a destination address or facility such as a restaurant, ATM, petrol station,

drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services

Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system and

wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address, as

disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

11. Furthermore, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose respond to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category, and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation query further allows the user to determine whether to retrieve advertiser entries from the second subset of the plurality of the advertiser entries.

12. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (query) (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser category and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message

further allows the user to determine whether to retrieve advertiser entries from the second subset of the plurality of the advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

14. Finally, Schultz, CellPoint and Burnett all fail to expressly disclose wherein the one or more advertiser entries from the second subset of the plurality of advertisers are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same local access and transport area (LATA) as the user's location.

15. However, Schultz does disclose the ability to sort search results by their distance from a geographic location (Para 0021, Para 0042), and Schultz also discloses providing/choosing advertising data to provide the user based upon the geographic location's distance from a zip code, distance from an area code, distance from a telephone exchange, distance from a state, and combinations thereof (Para 0022, Para 0042).

16. Therefore, it would have been obvious to present the information to the user in a sorted listing starting with advertising data the least possible distance from the user (telephone exchange area) to advertising data of greatest possible distance from the user (State area or LATA area), and it was well known at the time the invention was made that a telephone

exchange designation covered a smaller area than a zip code designation, and both were/are

typically smaller than a area code designation.

17. Furthermore, Official Notice is taken that a Local Access and Transportation Area was well

known and used by the telecom industry at the time the invention was made (Defined during

the restructuring of AT&T in 1984 – there are close to 200 hundred of them) to designate

geographical areas where local phone companies can offer local and long distance telephone

services, and often included large regional areas of the country (See teaching reference in

PTO-892, Kentucky LATA and Area Code Maps). Therefore, it would have been obvious

for one of ordinary skill in the art at the time the invention was made to use the advertisers'

LATA zone as a basis for sorting the information provided to the user.

18. As per Claim 3, Schultz, CellPoint, and Burnett disclose wherein each advertiser entry of at

least the subset of the plurality of advertiser entries includes additional advertiser data

(Schultz: Fig.2).

19. As per Claim 10, Schultz, CellPoint, and Burnett disclose a voice extensible markup

language server coupled to the server (Schultz: Para 0040 voice recognition).

20. As per Claim 11, Schultz, CellPoint, and Burnett disclose wherein the server includes voice

extensible markup language server instructions (Schultz: Para 0040 voice recognition).

21. As per Claim 12, Schultz, CellPoint, and Burnett disclose wherein the server is configured to

communicate with a user computer, the user computer including web graphical user interface

instructions and user measured location information (Schultz: Para 0040, Network interface)

22. As per Claim 13, Schultz, CellPoint, and Burnett disclose wherein the server is configured to communicate with a wireless communications device, the wireless communications device including microbrowser instructions (Schultz: Para 0040)

23. As per Claims 14, 21, and 23, Schultz, CellPoint, and Burnett fail to expressly discloses an advanced intelligent network ("AIN") service control point ("SCP") coupled to the server, the AIN SCP coupled to a measured location information database, the AIN SCP configured to receive a phone number location query including a phone number and to send a location response including measured location information associated with the phone number.

24. However, Schultz does disclose providing search results based on any unified geocoding system inputted by the user (para0040), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the user with business measured location information based on a telephone number search, as such correlation databases were well known at the time the invention was made, and would simply be a matter of correlating a phone number with business location information instead of a street address.

25. As per Claim 18, Schultz, CellPoint, and Burnett disclose wherein the advertiser measured location information and the user measured location information include longitude and latitude information (Schultz: Para 0040)

26. As per Claims 19, 20, 38, 39, 45-47, 52, 53, 55, 57, and 61, Schultz, CellPoint, and Burnett disclose wherein the advertiser measured location information and the user measured location information are based at least in part on two-dimensional location information, three dimensional location information, or longitude and latitude information (Schultz: Para 0040).

27. As per Claim 22, Schultz, CellPoint, and Burnett disclose wherein the server sends the location query to a wireless network (Schultz: Para 0040).

28. As per Claim 24, Schultz, CellPoint, and Burnett disclose wherein each advertiser entry of the first subset and second subset of the plurality of advertiser entries includes an advertiser category identifier to store one or more advertiser category identifiers; and the server is configured to receive user measured location information and a user advertiser category identifier (Schultz: Fig.2).

29. As per Claim 25, Schultz, CellPoint, and Burnett disclose wherein the server identifies one or more advertiser entries of the first subset of the plurality of advertiser entries based at least in part on the user advertiser category identifier; the server forwards the identified one or more advertiser entries of the first subset of the plurality of advertiser entries for presentation based at least in part on the user measured location information, and the advertiser measured location information of the identified one or more advertiser entries of the first subset of the plurality of advertiser entries; the server identifies one or more advertiser entries of the second subset of the plurality of advertiser entries based at least in part on the user advertiser category; and the server forwards the identified one or more advertiser entries of the second subset of the plurality of the advertiser entries for presentation (Schultz: Para 0039-0045).

30. As per **independent Claims 26 and 44,** Schultz discloses a method (system, computer-readable medium) for providing location-based yellow pages information, the method comprising: storing a plurality of advertiser entries in a yellow pages database, wherein the plurality of advertiser entries include at least a set of advertiser entries, each advertiser entry of the set of advertiser entries includes an advertiser identifier field to store an advertiser

identifier, an advertiser category identifier field to store one or more category identifiers, and an advertiser location information field to store advertiser location information (abstract, Para 0016, Claim 1); receiving a request for a yellow page information from a user, the request including user location information and a user selected advertiser category identifier (Para 0016-0024, Para 0040-0043, Claim 1), wherein the user measured location information is determined *using one of* information obtained from a telecommunication system and information pre-stored in memory; retrieving one or more advertiser entries from the second subset of the plurality of advertiser entries from the yellow page database based at least in part on at least one of the user advertiser category identifier and the user advertiser sub-category identifier; if the user determines to retrieve one or more advertiser entries from the set of the plurality of advertiser entries from the yellow page database, retrieving said advertiser entries (abstract); forwarding the retrieved one or more advertiser entries from the set of advertiser entries for presentation based at least in part on the user location information and the advertiser location information of the selected one or more advertiser entries (abstract, Para 0042-0044, Fig.2) and data including a distance between a user location and an advertiser location presented according to a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.); and forwarding the retrieved one or more advertiser entries from the set of advertiser entries for presentation (abstract, Para 0042-0044, Fig.2).

31. Schultz fails to expressly disclose a second/third subset of advertiser entries, wherein each advertiser entry of the second/third subset of advertiser entries lacks advertiser measured location information and is presented separately.

32. However, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or excluding additional advertising information with returned results (Para 0051), and it would have been obvious to include or exclude the address (location) information provided to the end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of additional framework and axle which served to increase the cargo carrying capacity of prior art mobile fluid carrying unit would have been obvious if this feature was not desired.); and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member and thereby eliminating its function was an obvious expedient). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance] and in separate windows, for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

33. Schultz also fails to disclose wherein the received user location information is *measured* location information determined using information obtained from a telecommunication system, and **wherein receiving the measured location information comprises the processor being configured to: receive a telephone number for use in identifying a street address with a zip code, query a geographic information system with the street address information, and receive from the geographic information system the latitude and longitude of the street address**.

34. However, CellPoint teaches being "automatically located on a map (through *Cell Phone integrated GSM positioning technology – equivalent to the disclosed positioning technology*) and then guided to a destination address or facility such as a restaurant, ATM, petrol station, drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the received user measured location information is determined using information obtained from a telecommunication system and wherein receiving the measured location information comprises the processor being configured to: receive a telephone number for use in identifying a street address with a zip code, query a geographic information system with the street address information, and receive from the geographic information system the latitude and longitude of the street address, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

36. Furthermore, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint fail to expressly disclose responding to the request, returning a confirmation query to the user, wherein the returned confirmation query confirms the user selected advertiser

category, and allows the user to refine the selection of the advertiser category identifier and a

user advertiser subcategory identifier, and wherein the confirmation message further allows

the user to determine whether to retrieve advertiser entries from the third subset without

advertiser measures location information.

37. Burnett discloses a yellow page type search system, which allows the user to confirm search

results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and

Para 0357-0364).

38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included responding to the request, returning a confirmation

query to the user, wherein the returned confirmation query confirms the user selected

advertiser category and allows the user to refine the selection of the advertiser category

identifier and a user advertiser subcategory identifier, and wherein the confirmation message

further allows the user to determine whether to retrieve advertiser entries without advertiser

measures location information, as disclosed by Burnett, in the system disclosed by CellPoint,

in the system disclosed by Shultz, for the advantage of providing a method of for providing

location-based yellow pages information, with the ability to increase efficiency/effectiveness

of the system by allowing users to narrow their search to find exactly what they're looking

for.

39. Finally, Schultz, CellPoint and Burnett all fail to expressly disclose wherein the one or more

advertiser entries from the second subset of the plurality of advertisers are configured to be

presented in the following order: advertiser entries in the same telephone exchange as the

user's location, advertiser entries in the same ZIP code as the user's location, advertiser

entries in the same area code as the user's location, and advertiser entries in the same local

access and transport area (LATA) as the user's location.

40. However, Schultz does disclose the ability to sort search results by their distance from a

geographic location (Para 0021), and Schultz also discloses providing/choosing advertising

data to provide the user based upon the geographic location's distance from a zip code,

distance from an area code, distance from a telephone exchange, distance from a state, and

combinations thereof (Para 0022).

41. Therefore, it would have been obvious to present the information to the user in a sorted

listing starting with advertising data the least possible distance from the user (telephone

exchange area) to advertising data of greatest possible distance from the user (State area or

LATA area), and it was well known at the time the invention was made that a telephone

exchange designation covered a smaller area than a zip code designation, and both were/are

typically smaller than a area code designation.

42. Furthermore, Official Notice is taken that a Local Access and Transportation Area was well

known and used by the telecom industry at the time the invention was made (Defined during

the restructuring of AT&T in 1984 – there are close to 200 hundred of them) to designate

geographical areas where local phone companies can offer local and long distance telephone

services, and often included large regional areas of the country (See teaching reference in

PTO-892, Kentucky LATA and Area Code Maps). Therefore, it would have been obvious

for one of ordinary skill in the art at the time the invention was made to use the advertisers'

LATA zone as a basis for sorting the information provided to the user.

43. As per Claim 27, Schultz, CellPoint, and Burnett disclose wherein receiving user measured location information includes receiving user measured location information sent by a communication device selected from the group consisting of a computer, a fixed-location telephone, a wireless telephone, a wireless communications device, a wireless communications network, and an advances intelligent network service control point (Schultz: Para 0040).

44. As per Claim 28, Schultz, CellPoint, and Burnett disclose wherein receiving a user advertiser category identifier includes: sending a user advertiser confirmation query; and receiving a user advertiser confirmation response (Schultz: Para 0039-0045).

45. As per Claim 29, Schultz, CellPoint, and Burnett disclose wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories (Schultz: Para 0039-0045).

46. As per Claim 30, Schultz, CellPoint, and Burnett disclose wherein receiving user measured location information includes sending a cookie based at least in part on the user measured location information to a user computer (equivalent technology used by Schultz, as part of database searching process).

47. As per Claim 31, Schultz, CellPoint, and Burnett disclose wherein forwarding the selected one or more advertiser entries for presentation based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries includes: determining distance data between the user measured location information and the advertiser measured location information of the selected one or

more advertise entries; and organizing a listing of the selected one or more advertising entries

based at least in part on the determined distance data (Schultz: Para 0039-0045).

48. As per Claims 32, 33, 36, 37, and 58-60, Schultz, CellPoint, and Burnett disclose organizing

a listing includes organizing from a smallest distance to a largest distance, smallest time

period to a largest time period, a telephone exchange area and an area code, or a zip code

area and a local access and transport area (Schultz: Para 0039-0042, sorting information).

49. As per Claim 34, Schultz, CellPoint, and Burnett disclose wherein selecting one or more

advertiser entries of the plurality of advertiser entries based at least in part on the user

advertiser category identifier includes: selecting one or more advertiser entries of the second

subset of the plurality of advertiser entries based at least in part on the user advertiser

category identifier; selecting one or more advertising entries of a third subset of the plurality

of advertiser entries based at least in part on the user advertiser category identifier (Fig.2,

Product category; Para 0039-0042).

50. As per Claim 35, Schultz, CellPoint, and Burnett disclose wherein forwarding the selected

one or more advertiser entries for presentation based at least in part on the user measured

location information and the advertiser measured location information of the selected one or

more advertiser entries includes: organizing a listing of the selected one or more advertising

entries of the second subset of the plurality of advertiser entries based at least in part on the

user measured location information, and the advertiser measured location information of the

selected one or more advertising entries of the second subset of the plurality of advertiser

entries; and organizing a listing of the selected one or more advertising entries of the third

subset of the plurality of advertiser entries (Schultz: Para 0039-0042).

51. As per Claims 54 and 56, Schultz, CellPoint, and Burnett disclose wherein the retrieved one or more advertiser entries are listed and organized by the processor to include a first sub-listing of one or more advertiser entries with advertiser measured location information (Schultz: Para 0039-0042).

52. Schultz, CellPoint, and Burnett fail to disclose a second sub-listing of one or more advertiser entries without advertiser measured location information.

53. However, as explained above for independent Claim 15, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

54. As per **independent Claim 40**, Schultz discloses a method of providing a location-based yellow pages service, the method comprising: operating a yellow pages service, the yellow pages service including a yellow pages database, the yellow pages database including a set of advertiser entries, the set of advertiser including advertiser location information (abstract, Para 0016, Claim 1); receiving a request from a user to present advertiser information corresponding to a user selected advertiser category and a user selected advertiser subcategory (Para 0016-0024, Para 0040-0043, Claim 1); forwarding a list of advertiser information for presentation from the set of advertiser entries including advertiser location information (abstract, Para 0042-0044, Fig.2) and data indicating the distance between a user

location and an advertiser location presented according to a distance identifier selected from

the distance selection options (Para 0049, Sorting criteria selected by user – distance, time,

etc.); and charging the advertisers corresponding to the first set of advertiser entries a fee to

include advertiser measured location information in the yellow pages database (Para 0046).

55. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured location

information, and wherein the list of advertiser information from the first set of advertiser

entries including advertiser location information is forwarded prior to forwarding a list of

advertiser information for presentation from the second set of advertiser entries lacking

advertiser location information.

56. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (Para 0051), and it would

have been obvious to include or exclude the address (location) information provided to the

end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of

additional framework and axle which served to increase the cargo carrying capacity of prior

art mobile fluid carrying unit would have been obvious if this feature was not desired.); and

In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member

and thereby eliminating its function was an obvious expedient). Furthermore, it would have

been obvious to one of ordinary skill in the art to sort the returned results in a multitude of

formats to include with address information then without address information [relevance], for

the advantage of charging different fee structures to either the user or the advertiser,

depending on the amount of information provided.

57. Schultz also fails to disclose wherein the received user location information is *measured*

location information determined using information obtained from a telecommunication

system, and **wherein receiving the measured location information comprises the**

processor being configured to: receive a telephone number for use in identifying a street

address with a zip code, query a geographic information system with the street address

information, and receive from the geographic information system the latitude and

longitude of the street address.

58. However, CellPoint teaches being "automatically located on a map (through *Cell Phone*

integrated GSM positioning technology – equivalent to the disclosed positioning technology)

and then guided to a destination address or facility such as a restaurant, ATM, petrol station,

drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services

Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

59. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system and

wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address, as

disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a

method of for providing location-based yellow pages information, with the ability to increase

efficiency and accuracy of the information by obtaining the user location information

automatically (GSM positioning technology).

60. Furthermore, while Schultz does disclose providing the user with distance selection options

for presenting distance information as *one of the following*: absolute distance, shortest travel

distance, distance in time when driving, distance in time when bicycling, and distance in time

when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and

CellPoint fail to expressly disclose responding to the request, returning a confirmation query

to the user, wherein the returned confirmation query confirms the user selected advertiser

category and allows the user to refine the selection of the advertiser category identifier and a

user advertiser subcategory identifier, and wherein the confirmation query further allows the

user to determine whether to retrieve advertiser entries from the second set of advertiser

entries.

61. Burnett discloses a yellow page type search system, which allows the user to confirm search

results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and

Para 0357-0364).

62. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included responding to the request, returning a confirmation

query to the user, wherein the returned confirmation message confirms the user selected

advertiser category and allows the user to refine the selection of the advertiser category

identifier and a user advertiser subcategory identifier, and wherein the confirming message

further allows the user to determine whether to retrieve advertiser entries from the second set .

of advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the

system disclosed by Shultz, for the advantage of providing a method of for providing

location-based yellow pages information, with the ability to increase efficiency/effectiveness

of the system by allowing users to narrow their search to find exactly what they're looking

for.

63. Finally, Schultz, CellPoint and Burnett all fail to expressly disclose wherein the one or more

advertiser entries from the second subset of the plurality of advertisers are configured to be

presented in the following order: advertiser entries in the same telephone exchange as the

user's location, advertiser entries in the same ZIP code as the user's location, advertiser

entries in the same area code as the user's location, and advertiser entries in the same local

access and transport area (LATA) as the user's location.

64. However, Schultz does disclose the ability to sort search results by their distance from a

geographic location (Para 0021), and Schultz also discloses providing/choosing advertising

data to provide the user based upon the geographic location's distance from a zip code,

distance from an area code, distance from a telephone exchange, distance from a state, and

combinations thereof (Para 0022).

65. Therefore, it would have been obvious to present the information to the user in a sorted

listing starting with advertising data the least possible distance from the user (telephone

exchange area) to advertising data of greatest possible distance from the user (State area or

LATA area), and it was well known at the time the invention was made that a telephone

exchange designation covered a smaller area than a zip code designation, and both were/are

typically smaller than a area code designation.

66. Furthermore, Official Notice is taken that a Local Access and Transportation Area was well known and used by the telecom industry at the time the invention was made (Defined during the restructuring of AT&T in 1984 – there are close to 200 hundred of them) to designate geographical areas where local phone companies can offer local and long distance telephone services, and often included large regional areas of the country (See teaching reference in PTO-892, Kentucky LATA and Area Code Maps). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the advertisers' LATA zone as a basis for sorting the information provided to the user.

67. As per **independent Claims 42 and 51,** Schultz discloses a method (medium) of providing a location-based yellow pages service, the method comprising: operating a yellow pages service, the yellow pages service including advertiser's information, the advertiser's information including location information (abstract, Para 0016); receiving a request for yellow page information from a user, the request including user location information and a user selected advertiser category identifier, wherein the user measured location information is determined *using one of* information from a telecommunication system and information pre-stored in a memory; responding to the request, sending a user advertiser confirmation query to the user; wherein sending the user advertiser confirmation query includes sending one or more advertiser subcategories (Fig.2, Para 0041); receiving a user advertiser confirmation response from the user, wherein the user advertiser confirmation response includes a user selected advertiser subcategory identifier, a distance identifier selected from the distance selection options (Para 0049, Sorting criteria selected by user – distance, time, etc.); upon receiving the user advertiser confirmation response from the user, retrieving one or more first

and second advertiser's information from the yellow page database (Para 0016-0024, Para

0040-0043, Claim 1), forwarding the retrieved one or more advertiser's information for

presentation in a manner that the advertiser's information are displayed (abstract, Para 0042-

0044, Fig.2); and charging the first advertiser an additional fee based at least in part on

including measured location information as part of the first advertiser's information (Para

0046).

68. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured location

information, and wherein the list of advertiser information from the first set of advertiser

entries including advertiser location information is presented prior to presenting a list of

advertiser information from the second set of advertiser entries lacking advertiser location

information.

69. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (Para 0051), and it would

have been obvious to include or exclude the address (location) information provided to the

end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of

additional framework and axle which served to increase the cargo carrying capacity of prior

art mobile fluid carrying unit would have been obvious if this feature was not desired.); and

In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member

and thereby eliminating its function was an obvious expedient). Furthermore, it would have

been obvious to one of ordinary skill in the art to sort the returned results in a multitude of

formats to include with address information then without address information [relevance], for

the advantage of charging different fee structures to either the user or the advertiser,

depending on the amount of information provided.

70. Schultz also fails to disclose wherein the received user location information is *measured*

location information determined using information obtained from a telecommunication

system, and **wherein receiving the measured location information comprises the**

processor being configured to: receive a telephone number for use in identifying a street

address with a zip code, query a geographic information system with the street address

information, and receive from the geographic information system the latitude and

longitude of the street address.

71. However, CellPoint teaches being "automatically located on a map (through *Cell Phone*

integrated GSM positioning technology – equivalent to the disclosed positioning technology)

and then guided to a destination address or facility such as a restaurant, ATM, petrol station,

drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services

Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

72. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system and

wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address, as disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information automatically (GSM positioning technology).

73. Furthermore, while Schultz does disclose providing the user with distance selection options for presenting distance information as *one of the following*: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and CellPoint also fail to expressly disclose wherein the confirmation query confirms the user selected advertiser category identifier, allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation query further allows the user to determine whether to retrieve the second advertiser information.

74. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).

75. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the confirmation query confirms the user selected advertiser category identifier and allows the user to refine the selection of the advertiser category identifier and a user advertiser subcategory identifier, and wherein the confirmation message further allows the user to determine whether to retrieve the second

advertiser information, as disclosed by Burnett, in the system disclosed by CellPoint, in the

system disclosed by Shultz, for the advantage of providing a method of for providing

location-based yellow pages information, with the ability to increase efficiency/effectiveness

of the system by allowing users to narrow their search to find exactly what they're looking

for.

76. Finally, Schultz, CellPoint and Burnett all fail to expressly disclose wherein the second

advertiser's information is configured to be presented in the following order: advertiser

entries in the same telephone exchange as the user measured location information, advertiser

entries in the same ZIP code as the user measured location information, advertiser entries in

the same area code as the user measured location information, and advertiser entries in the

same local access and transport area (LATA) as the user measured location information.

77. However, Schultz does disclose the ability to sort search results by their distance from a

geographic location (Para 0021), and Schultz also discloses providing/choosing advertising

data to provide the user based upon the geographic location's distance from a zip code,

distance from an area code, distance from a telephone exchange, distance from a state, and

combinations thereof (Para 0022).

78. Therefore, it would have been obvious to present the information to the user in a sorted

listing starting with advertising data the least possible distance from the user (telephone

exchange area) to advertising data of greatest possible distance from the user (State area or

LATA area), and it was well known at the time the invention was made that a telephone

exchange designation covered a smaller area than a zip code designation, and both were/are

typically smaller than a area code designation.

79. Furthermore, Official Notice is taken that a Local Access and Transportation Area was well known and used by the telecom industry at the time the invention was made (Defined during the restructuring of AT&T in 1984 – there are close to 200 hundred of them) to designate geographical areas where local phone companies can offer local and long distance telephone services, and often included large regional areas of the country (See teaching reference in PTO-892, Kentucky LATA and Area Code Maps). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the advertisers' LATA zone as a basis for sorting the information provided to the user.

80. As per Claims 63-66, Schultz, CellPoint, and Burnett fail to disclose wherein the process presents the selected one or more advertiser entries in a manner that the advertiser entries of the first subset are presented prior to the advertiser entries of the second subset.

81. However, as explained above for independent Claims 15, 26, 44, and 51, Schultz discloses searching a GIS-based search engine to create a "yellow page reference" (abstract), and sorting the identified results according to a sorting criterion [relevance] (Para 0024, Para 0033, Para 0049-0050). Furthermore, it would have been obvious to one of ordinary skill in the art to sort the returned results in a multitude of formats to include with address information then without address information [relevance], for the advantage of charging different fee structures to either the user or the advertiser, depending on the amount of information provided.

82. As per **independent Claim 62,** Schultz discloses a system for providing location-based yellow pages information, the system comprising: a processor; a yellow page database coupled to the processor, the yellow page database including a plurality of advertiser entries,

wherein the plurality of advertiser entries includes a set of advertiser entries, each advertiser

entry of the set of advertiser entries includes advertise location information; and a memory

coupled to the processor, the memory storing a plurality of instructions configured to be

executed by the processor, the plurality of instructions including location-based yellow pages

database access instructions (abstract, Para 0016, claims 27-35), and wherein the processor is

configured to receive a request for yellow page information from a user, the request

including at least one of a user location information, a user selected advertiser category and a

user selected advertiser subcategory (Para 0041); based on the request received from the

user, retrieve one or more advertiser entries from the yellow page information database (Para

0016-0024, Para 0040-0043, Claims 27-35); determine a location relationship between the

user and each advertiser associated with each retrieved advertiser entry from a set of

advertiser entries using the user measured location information and the advertiser measured

location information and sort retrieved advertiser entries based on this location relationship;

and forward the retrieved one or more advertiser entries for presentation (abstract, Para 0042-

0044, Fig.2) and data indicating the distance between a user location and an advertiser

location presented according to a distance identifier selected from the distance selection

options (Para 0049, Sorting criteria selected by user – distance, time, etc.).

83. Schultz fails to expressly disclose a second subset of advertiser entries, wherein each

advertiser entry of the second subset of advertiser entries lacks advertiser measured location

information but includes general designated area information, and wherein the list of

advertiser information from the first set of advertiser entries including advertiser location

information is presented prior to presenting a list of advertiser information from the second

set of advertiser entries lacking advertiser location information.

84. However, Schultz discloses searching a GIS-based search engine to create a "yellow page

reference" (abstract), and sorting the identified results according to a sorting criterion

[relevance] (Para 0024, Para 0033, Para 0049-0050). Schultz also discloses including or

excluding additional advertising information with returned results (Para 0051), and it would

have been obvious to include or exclude the address (location) information provided to the

end user (See In re Larson, 340 F.2d 965, 144 USPQ 347 (CCPA 1965) (Omission of

additional framework and axle which served to increase the cargo carrying capacity of prior

art mobile fluid carrying unit would have been obvious if this feature was not desired.); and

In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (deleting a prior art switch member

and thereby eliminating its function was an obvious expedient). Furthermore, it would have

been obvious to one of ordinary skill in the art to sort the returned results in a multitude of

formats to include with address information then without address information [relevance], for

the advantage of charging different fee structures to either the user or the advertiser,

depending on the amount of information provided.

85. Schultz also fails to disclose wherein the received user location information is *measured*

location information determined using information obtained from a telecommunication

system, and **wherein receiving the measured location information comprises the**

processor being configured to: receive a telephone number for use in identifying a street

address with a zip code, query a geographic information system with the street address

information, and receive from the geographic information system the latitude and

longitude of the street address.

86. However, CellPoint teaches being "automatically located on a map (through *Cell Phone*

integrated GSM positioning technology – equivalent to the disclosed positioning technology)

and then guided to a destination address or facility such as a restaurant, ATM, petrol station,

drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services

Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

87. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system and

wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address, as

disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a

method of for providing location-based yellow pages information, with the ability to increase

efficiency and accuracy of the information by obtaining the user location information

automatically (GSM positioning technology).

88. Furthermore, while Schultz does disclose providing the user with distance selection options

for presenting distance information as *one of the following*: absolute distance, shortest travel

distance, distance in time when driving, distance in time when bicycling, and distance in time

when walking (Para 0049, Sorting criteria selected by user – distance, time, etc.), Schultz and

CellPoint fail to expressly disclose responding to the request, returning a confirmation query to the user, wherein the confirmation query confirms the user selected advertiser category and the user selected advertiser subcategory, and allows the user to refine the selection of the category and the sub-category, and the confirmation query allows the user to indicate a desire to retrieve advertiser entries from the second subset of advertiser entries.

89. Burnett discloses a yellow page type search system, which allows the user to confirm search results and further refine their search (Abstract, Fig.2, Fig.6c, Fig.8, Para 0159-0165, and Para 0357-0364).

90. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included responding to the request, returning a confirmation query to the user, wherein the confirmation query confirms the user selected advertiser category and the user selected advertiser subcategory, and allows the user to refine the selection of the category and the sub-category (inherent), and the confirmation query allows the user to determine whether to retrieve advertiser entries from the second subset of advertiser entries, as disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency/effectiveness of the system by allowing users to narrow their search to find exactly what they're looking for.

91. Finally, Schultz, CellPoint and Burnett all fail to expressly disclose wherein the one or more advertiser entries from the second subset of the plurality of advertisers are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser

entries in the same area code as the user's location, and advertiser entries in the same local

access and transport area (LATA) as the user's location.

92. However, Schultz does disclose the ability to sort search results by their distance from a

geographic location (Para 0021), and Schultz also discloses providing/choosing advertising

data to provide the user based upon the geographic location's distance from a zip code,

distance from an area code, distance from a telephone exchange, distance from a state, and

combinations thereof (Para 0022).

93. Therefore, it would have been obvious to present the information to the user in a sorted

listing starting with advertising data the least possible distance from the user (telephone

exchange area) to advertising data of greatest possible distance from the user (State area or

LATA area), and it was well known at the time the invention was made that a telephone

exchange designation covered a smaller area than a zip code designation, and both were/are

typically smaller than a area code designation.

94. Furthermore, Official Notice is taken that a Local Access and Transportation Area was well

known and used by the telecom industry at the time the invention was made (Defined during

the restructuring of AT&T in 1984 – there are close to 200 hundred of them) to designate

geographical areas where local phone companies can offer local and long distance telephone

services, and often included large regional areas of the country (See teaching reference in

PTO-892, Kentucky LATA and Area Code Maps). Therefore, it would have been obvious

for one of ordinary skill in the art at the time the invention was made to use the advertisers'

LATA zone as a basis for sorting the information provided to the user.

95. As per new Claims 69-75, Schultz, CellPoint, and Burnett disclose wherein the processor is further configured to generate the estimated distance using the distance identifier selected from the distance options (Para 0049).

96. **Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. in view of CellPoint, in view of Burnett, and further in view of Chan et al. (US 200200688585 A1).**

97. As per Claim 67, Schultz, CellPoint, and Burnett disclose wherein the processor is further configured to determine and forward for presentation the time or distance requires for the user to travel from the user measured location to the advertiser measured location (Schultz: Para 0021)

98. However, Schultz, CellPoint, and Burnett fail to expressly disclose utilizing altitude information as the third dimension of the advertiser measured location information.

99. Chan discloses utilizing altitude information as the third dimension of the advertiser measured location information (Para 0137).

100.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included utilizing altitude information as the third dimension of the advertiser measured location information, as disclosed by Chan, in the system disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by Shultz, for the advantage of providing a method of for providing location-based yellow pages information, with the ability to increase efficiency and accuracy of the information by obtaining the user location information multi-dimensionally.

101.   As per Claim 68, Schultz, CellPoint, and Burnett fail to expressly disclose wherein

determining distance data between the user measured location information and the advertiser

measured location information of the selected one or more advertiser entries comprises

utilizing altitude information as a third dimension of the advertiser measured location

information.

102.   Chan discloses utilizing altitude information as the third dimension of the advertiser

measured location information (Para 0137).

103.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein determining distance data between the user

measured location information and the advertiser measured location information of the

selected one or more advertiser entries comprises utilizing altitude information as a third

dimension of the advertiser measured location information, as disclosed by Chan, in the

system disclosed by Burnett, in the system disclosed by CellPoint, in the system disclosed by

Schultz, for the advantage of providing a method of for providing location-based yellow

pages information, with the ability to increase efficiency and accuracy of the information by

obtaining the user location information multi-dimensionally.

Response to Arguments

104.   Applicant's arguments filed 12/21/2006, with respect to Claims 3, 10-15, 18-40, 42, 44-

47, and 51-75, have been considered, but are not persuasive. The rejection will remain as

FINAL based on the sited prior art.

105.   All claims are drawn to the same invention claimed in the application prior to the entry of

the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and

art of record in the next Office action if they had been entered in the application prior to entry

under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a

first action after the filing of a request for continued examination and the submission under

37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

106.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

107.   The Applicant has made the argument that the sited prior art fails to expressly teach or

disclose wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address.

108.   However, CellPoint teaches being "automatically located on a map (through *Cell Phone*

integrated GSM positioning technology – equivalent to the disclosed positioning technology)

and then guided to a destination address or facility such as a restaurant, ATM, petrol station,

drugstore, etc." ("CellPoint and Webraska Join Forces for New, Live Navigation Services

Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000).

109.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the received user measured location

information is determined using information obtained from a telecommunication system and

wherein receiving the measured location information comprises the processor being

configured to: receive a telephone number for use in identifying a street address with a zip

code, query a geographic information system with the street address information, and receive

from the geographic information system the latitude and longitude of the street address, as

disclosed by CellPoint in the system disclosed by Shultz, for the advantage of providing a

method of for providing location-based yellow pages information, with the ability to increase

efficiency and accuracy of the information by obtaining the user location information

automatically (GSM positioning technology).

Conclusion

110.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-

6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

111.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

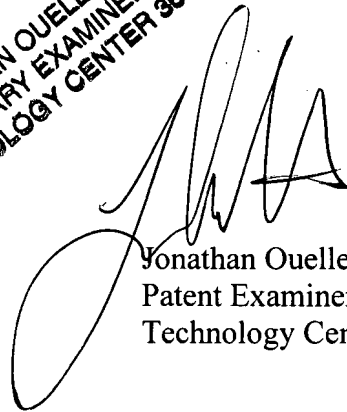supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the

organization where this application or proceeding is assigned (571) 273-8300 for all official

communications.

112.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Office of Initial Patent Examination whose telephone number is

(703) 308-1202.

August 19, 2007

Jonathan Ouellette
Patent Examiner
Technology Center 3600